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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,761	08/02/2002	Scott J. Moran	1998.4049.007	8841

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EXAMINER

BARFIELD, ANTHONY DERRELL

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,761

Applicant(s)

MORAN ET AL. 

Examiner

Anthony D Barfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 1-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The amendment filed 10/19/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The control module has an input connectable to a fluid supply system and includes **only enough outputs** to connect respective cells of "*a plurality of cells*" to the fluid supply system via the control module. This allows the plurality of air cells to be conformed to any one of a plurality of different vehicle types by connecting to the limited number of outputs only those cells that are appropriate or intended for use in a given vehicle type. The controller is selected from among a plurality of different function controllers configured to operate the occupant support apparatus according to different respective user preferences. This allows different function controllers to be selected and installed to provide different types of control for the array. According to another aspect of the invention the control module is programmed to have target pressures attained by using a programmed time of inflation or deflation of the expandable chambers as established by desired program sequences of operation by the control module. This type of automatic control of the air cell pressures eliminates the need for a feedback function such as the use of pressure transducers for indicating full inflation or deflation of the air cells.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter is as follows a control module has an input connectable to a fluid supply system and includes **only enough outputs** to connect respective cells of a plurality of cells to the fluid supply system via the control module. This allows the array of air cells to be conformed to any one of a plurality of different vehicle types by connecting to the limited number of outputs only those cells that are appropriate or intended for use in a given vehicle type.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-3, and 5-18 have been renumbered 1-17.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-15 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Rhodes Jr. Rhodes Jr. shows the use of a vehicle seat arrangement having a plurality of air cells (1) with expandable chambers; a control module (12,14), a fluid supply system and fittings (33) for cutting of one or more of the air cells to conform to the array. Rhodes Jr. further teaches that the control module includes a controller (16) and pump (12), supply hoses (31) and wiring harness as shown in Figure 1. The array could inherently be adapted to any vehicle type (as Rhodes Jr. discloses that the module may be programmed for various users in their respective vehicles). Furthermore applicant should note that the system as disclosed is not just for use in a particular vehicle but for all vehicles as Rhodes has disclosed various embodiments. The control module has **enough outputs to connect to a limited number of air cells** (see col. 6, line 2) although the cells may comprise a group of cells in a series.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes Jr. The method steps as recited would inherently be incorporated within the use of the invention, as taught by Rhodes Jr.

Response to Arguments

Applicant's arguments filed 8/16/04 have been fully considered but they are not persuasive. The applicant has stated that the specification suggest a control module with *only enough outputs* to connect respective cells of a plurality of cells. However by applicant's own admission the first two paragraphs of page 19, in fact recites a "*control module and pump...designed to control a limited number of zones, typically three or four*", wherein air cells are placed in the key zones, which may have more than one air cell placed therein. The examiner is of the opinion that the specification teaches a module which connects to a limit of number of "*zones*" and not cells of a plurality of cells as the zones may have one or more air cell therein.

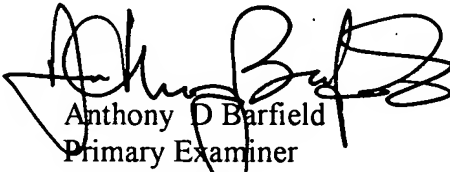
In regards to applicant's argument that Rhodes Jr., "fails to teach a module with a only enough outputs to connect to respective cells of a plurality of cells, the examiner is of the

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opinion that Rhodes Jr., teaches in fact there are only enough outputs to connect to a limited number of air cells (see above rejection) although other "cells in the group" may be inflated from the direct connection of the one air cell.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Barfield whose telephone number is 703-308-2158.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Anthony D Barfield
Primary Examiner
Art Unit 3636

adb
November 26, 2004